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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/599,763	11/03/2006	Akihiro Matsuura	WAKAB83.003APC	3860
20995 7590 01/29/2010 KNOBBE MARTENS OLSON & BEAR LLP 2040 MAIN STREET FOURTEENTH FLOOR IRVINE, CA 92614				
EXAMINER				
COLE, ELIZABETH M				
ART UNIT		PAPER NUMBER		
1794				
NOTIFICATION DATE		DELIVERY MODE		
01/29/2010		ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

jcartee@kmob.com  
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# Office Action Summary

**Application No.**

10/599,763

**Applicant(s)**

MATSUURA ET AL.

**Examiner**

Elizabeth M. Cole

**Art Unit**

1794

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03 November 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SE/US)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-2, 10, are rejected under 35 U.S.C. 102(b) as being anticipated by Imamura et al, JP 2003/208183 which is equivalent to U.S. Patent Application publication 2005/0233106 which is relied on in the following art rejection for citations. Imamura et al discloses a laminate comprising a carpet layer 11, a discontinuous adhesive layer 11a and a buffer layer 12. The buffer layer may comprise a fibrous mat and corresponds to the claimed felt. The carpet layer corresponds to the claimed design layer. The buffer layer has air permeability between  $40 \text{ Nsm}^{-3}$  and  $800 \text{ Nsm}^{-3}$ . See paragraph 0053-0054. The carpet layer has an air permeability of between  $100 \text{ Nsm}^{-3}$  and  $1000 \text{ Nsm}^{-3}$ . See paragraph 0052. The layers are three dimensionally shaped. See drawings as well as paragraph 0049. The layers are useful in forming molded interior trim installations for automobiles. See paragraph 0049. The buffer layer can comprise two different types of fibers and thus meets the limitations of claim 10 as that claim is currently understood.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 3-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Imamura et al, JP 2003/208183, (equivalent to US Patent Application Publication 2005/233106). Imamura et al disclose a laminate for use in forming a molded automobile interior as set forth above. Imamura differs from the claimed invention because it does not disclose the claimed variation in shape and flow resistance values as set forth in the claims. However, Imamura et al teaches forming the shape of the molded automobile interior lining to conform to the shape of the automobile in which it is to be installed, (see paragraph 0049), and Imamura teaches varying the flow resistance depending on which portion of the laminate is close to the engine of the automobile relative to those portions which are further away from the automobile. See paragraph 0056. Therefore, Imamura teaches that the air flow resistance is a result effective variable such that the air flow resistance should be smaller in regions closer to the engine and larger at regions farther from the engine. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have selected the airflow resistance for different regions of the laminate as well as the shape of the laminate through the process of routine experimentation, in order to form a laminate which fit within the automobile cabin and which had the optimum air flow resistance in view of its proximity to the engine.

5. Claims 7-9, 13-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Imamura et al, JP 2003/208183 (equivalent to U.S. Patent Application Publication 2005/0233106) as applied to claims 3-6 above, and further in view of Wood, U.S. Patent Application Publication 2001/0050197. Imamura discloses a laminate for use in forming

a molded automobile interior as set forth above. Imamura differs from the claimed invention because it does not teach employing a perforated film having a plurality of holes as an adhesive layer but instead employs discontinuous strips of thermoplastic film. Wood teaches a perforated film for use as in sound absorbing applications inside of automobiles. Wood teaches suitable diameters for the perforations are 4 mils or less for the narrowest portion of the perforation and 125 to 300% of that value for the widest portions. See paragraph 0039. Exemplary values encompass the claimed diameter size of 0.5-3 mm. See paragraphs 0037-0040. The diameters may have a tapered or conical shape. See paragraph 0038. The frequency of the holes is a result effective variable and in combination with the size and shape of the holes can be used to optimize sound absorption characteristics. See paragraph 0036. Therefore, it would have been obvious to have selected the size, shape and distribution of the openings through the process of routine experimentation which produced the optimum sound absorption characteristics. As to claims 8 and 9, it is noted that Imamura teaches that the layers of the laminate may comprise further perforations in order to optimize the air flow resistance. See paragraph 0055. Therefore it would have been obvious to have added additional perforations in regions as needed and to have employed conical or tapered perforations as taught by Wood, in order to form a laminate having optimum air permeability and thus sound insulating and absorbing properties. Further, with regard to Wood, it is noted that the thermoplastic resin film may comprise polyolefins and polyesters which meet the limitations of claims 17 and 18. See paragraph 0063. The thermoplastic film may be used as an adhesive layer to bond fibrous layers together.

See paragraph 0073. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have employed a perforated thermoplastic film as taught by Wood as the discontinuous adhesive layer in Imamura, with the expectation that this would provide improved sound absorption for the laminate material. With regard to claims 15 and 6, it is noted that Imamura teaches the buffer layer should have a thickness of 5 mm and can comprise a mixture of fibers such as polyester and low melting point thermoplastic fibers in an amount of 5-50 wt %. See paragraph 0054. Imamura teaches a density of 0.1 g/cubic centimeter which is equal to 100 kg/cubic meter. See example 1.

6. Applicant's arguments filed 11/3/09 have been fully considered but they are not persuasive. It is noted that election was made **without** traverse of Group I, claims 1-10, 13-18.
7. The corrected drawing has been received and is sufficient to overcome the objection to the drawings.
8. The amendment to claim 10 overcomes the 112 2<sup>nd</sup> paragraph rejection.
9. With regard to the art rejection, Applicant argues that the art does not teach the limitation that felt can maintain its molded shape. However, Imamura clearly shows that the layer 12 which corresponds to the claimed felt retains its molded shape. See figures. Further, Imamura teaches incorporating a heat fusible fiber into the felt which would impart the property of heat moldability to the nonwoven, (see the discussion of the effect which providing a low melt fiber or powder has on a fibrous material at paragraph 0049 and that the low melt fiber is also provided in the buffer layer 12 which

corresponds to the claimed felt in paragraph 0053). Therefore, clearly the felt or buffer layer 12 can maintain its molded shape and the rejection is therefore maintained. It is also noted that the claims recite a property, (i.e., can maintain a molded shape), and that the presence of up to 50 thermoplastic fiber in the buffer (felt) layer would necessarily impart this property to the felt layer as discussed in paragraph 0049.

10. Applicant argues that the joining strips which equate to the claimed porous adhesive are discussed in the specification as disadvantageous. However, the structure of Imamura teaches including a porous adhesive layer 11a. The claims as written do in preclude the particular porous adhesive layer taught by Imamura.

11. With regard to claims 7-9, 13-18, 7-9 and 13-18, Applicant argues that the claims are patentable because Imamura does not teach the limitation that the felt layer can maintain its molded shape. This argument is not persuasive for the reasons set forth above. Therefore, the rejections are maintained.

12. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Elizabeth M. Cole whose telephone number is (571) 272-1475. The examiner may be reached between 6:30 AM and 6:00 PM Monday through Wednesday, and 6:30 AM and 2 PM on Thursday.

The examiner's supervisor Rena Dye may be reached at (571) 272-3186.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

The fax number for all official faxes is (571) 273-8300.

/Elizabeth M. Cole/  
Primary Examiner, Art Unit 1794

e.m.c